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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 15th May, 1985:—

BILL NO. 115 OF 1985

A Bill to provide for the abolition of the Legislative Council of the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Andhra Pradesh Legislative Council (Abolition) Act, 1985.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(*b*) "article" means an article of the Constitution;

(c) "Council" means the Legislative Council of the State of Andhra Pradesh;

(d) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of Andhra Pradesh;

(e) "Legislative Assembly" means the Legislative Assembly of the State of Andhra Pradesh.

Abolition of the Council.

3. (1) The Legislative Council of the State of Andhra Pradesh is hereby abolished.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

Amendment of article 168.

4. In sub-clause (a) of clause (1) of article 168, the words "Andhra Pradesh," shall be omitted.

Amendment of Act 43 of 1950.

5. In the Representation of the People Act, 1950.

(a) in the Third Schedule, entry No. 1 relating to Andhra Pradesh shall be omitted;

(b) in the Fourth Schedule, the heading "Andhra Pradesh" and the entries thereunder shall be omitted.

Omission of section 3 of the Legislative Councils Act, 1957.

6. Section 3 of the Legislative Councils Act, 1957, shall be omitted. 37 of 1957.

Provision as to pending Bills.

7. (1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of Andhra Pradesh in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

Power to adapt laws.

8. The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, published in the Official Gazette, make such adaptations and modifications of any law made before

such commencement whether by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

Power to construe laws.

9. Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation or modification of a law made before the commencement of this Act, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.

STATEMENT OF OBJECTS AND REASONS

Under article 169 of the Constitution, Parliament may, by law, provide for the abolition of the Legislative Council of a State having such a Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting. On the 24th March, 1983, the Legislative Assembly of the State of Andhra Pradesh passed a resolution in terms of article 169 of the Constitution for the abolition of the Legislative Council of that State. A like resolution was again passed by the Legislative Assembly of the State on the 30th April, 1985. It is accordingly proposed to abolish the Legislative Council of the State of Andhra Pradesh.

2. The Bill seeks to give effect to this object and also provides for matters supplemental, incidental and consequential to such abolition.

NEW DELHI;
The 10th May, 1985.

H. R. BHARDWAJ.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to make such adaptations and modifications of any law made before the commencement of the proposed legislation as may be necessary or expedient in consequence of the abolition of the Legislative Council of the State of Andhra Pradesh. This power will be available only for a period of one year from the commencement of the proposed legislation. The adaptations and modifications can be only such as are necessary or expedient in consequence of the abolition of the Council and cannot affect the substance of the laws adapted or modified.

2. The delegation of legislative power is of a normal character.

SUBHASH C. KASHYAP,
Secretary-General.

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